

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. §371		ATTORNEY DOCKET NO. 70075.0003USWO
INTERNATIONAL APPLICATION NO. PCT/BE03/00134		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/567,408
INTERNATIONAL FILING DATE August 6, 2003		PRIORITY DATE CLAIMED
TITLE OF INVENTION ADVANTAGEOUS COMBINATION FOR INHALATION OF NACYSTELYN AND BRONCHODILATORS		
APPLICANT(S) FOR DO/EO/US Arthur M. Deboeck et al.		


Applicant herewith submits to the United States Designated Office (DO/EO/US) the following items and other information:

1. ☐ This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The U.S. has been elected (Article 31).
5. ☐ A copy of the international application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated to the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has previously been submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated to the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11-20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - Change of Correspondence Address.
 - Response to Notification of Missing Requirements.

ATTORNEY DOCKET NO. 70075.0003USWO	INTERNATIONAL APPLICATION NO. PCT/BE03/00134	U.S. APPLICATION NO. (if known) 10/567,408
--	--	--

The following fees have been submitted:				CALCULATIONS	PTO USE
21. <input type="checkbox"/> Basic National Fee (37 CFR 1.492(a))				\$300	\$0.00
22. <input type="checkbox"/> Examination Fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the Int'l Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)				\$0	\$0.00
All other situations				\$200	
23. <input type="checkbox"/> Search Fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the Int'l preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)				\$0	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100	\$0.00
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB				\$400	
All other situations				\$500	
TOTAL OF 21, 22, AND 23 =					
<input type="checkbox"/> Additional Fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). (\$250.00 per additional 50 sheets or fraction)					
Total Sheets	Extra Sheets	Number of each additional 50 sheets or fraction thereof (round up to whole no.)	RATE	\$0.00	
-100	/50=		x \$250		
<input checked="" type="checkbox"/> Surcharge of \$130.00 for furnishing any of the search fee, examination fee or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	0-20 =	0	x \$50 =	\$0.00	
Independent Claims	0-3 =	0	x \$200 =	\$0.00	
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S)				+ \$360 =	\$0.00
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				x 1.00	
SUBTOTAL =				\$130.00	
<input type="checkbox"/> Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$0.00	
TOTAL NATIONAL FEE =				\$130.00	
<input type="checkbox"/> Fee for recording the enclosed assignment(s) (37 CFR 1.21(h)). The assignment(s) must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).				\$0.00	
0 Properties x \$40.00/property =					
TOTAL FEES ENCLOSED =				\$130.00	
Amount to be refunded:				\$	
Amount to be charged:				\$130.00	
<p>10/11/2006 P 01 FC:1617</p> <p>130.00 DA</p>					
<p>a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge Deposit Account No. 13-2725 in the amount of <u>130.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Merchant & Gould P.O. Box 2903 Minneapolis, MN 55402-0903 Telephone: (202) 326-0300 Facsimile: (202) 326-0778</p> <p style="text-align: center;">  _____ SIGNATURE William E. Beaumont _____ NAME </p> <p style="text-align: center;"> 30,996 _____ REGISTRATION NUMBER </p> <p style="text-align: center;"> October 5, 2006 _____ DATE </p>					

TRANSMITTAL FORM
FOR NATIONAL STAGE APPLICATIONS
FILED UNDER 35 U.S.C. §371

ATTORNEY DOCKET NO.

70075.0003USWO

BASED ON INTERNATIONAL APPLICATION NO.

PCT/BE03/00134

INTERNATIONAL FILING DATE

August 6, 2003

INVENTOR(S)

Arthur M. Deboeck et al.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/567,408

TITLE OF APPLICATION

**ADVANTAGEOUS COMBINATION FOR INHALATION OF NACYSTELYN AND
BRONCHODILATORS**

ADDRESS TO:

**Mail Stop: PCT
Commissioner for Patents
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

ENCLOSURES

- ☒ Transmittal Form For National Stage Applications Filed Under 35 U.S.C. §371
- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. §371 (In Duplicate)
- ☒ Oath or Declaration of the Inventor(s) {35 U.S.C. §371(c)(4)}
- ☒ Information Disclosure Statement
- ☒ PTO Form 1449 (1 Sheet)
- ☒ Cited Documents (1)
- ☒ Change of Correspondence Address
- ☒ Notification of Missing Requirements (Return copy)
- ☒ Response to Notification of Missing Requirements
- ☒ Return Postcard

☒ Please charge Deposit Account No. 13-2725 in the amount of \$130.00 to cover any required fees. In the event any variance exists between this amount and the Patent Office charges for filing the above-noted documents, including any fees required under 35 CFR 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 13-2725. Further, if these papers are not considered timely filed, then a request is hereby made under 37 CFR 1.136 for the necessary extension of time.

CORRESPONDENCE ADDRESS

☒ The address associated with Customer Number: **23552** OR ☐ the correspondence address below.

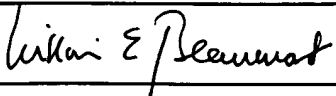
Name

Address

City

State

Zip Code

NAME	William E. Beaumont	REGISTRATION NO.		30,996	
SIGNATURE		DATE	October 5, 2006	TELEPHONE	202 326-0300
NAME		REGISTRATION NO.			

MERCHANT & GOULD
RECEIVED

Page 1 of 2

JCT - 3 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

F.M.P.L.S.
D.C. OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
-----------------------------	-----------------------	------------------

10/567,408

Arthur Deboeck

2505019 70075.3USWO

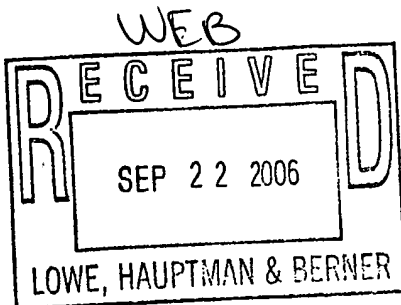
22429
LOWE HAUPTMAN BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA, VA 22314

Miss Req 2 Mo: November 20, 2006

Miss Req 3/PTA: December 20, 2006

Miss Req STAT: March 20, 2007

Date Mailed: 09/20/2006



INTERNATIONAL APPLICATION NO.

PCT/BE03/00134

I.A. FILING DATE	PRIORITY DATE
------------------	---------------

08/06/2003

CONFIRMATION NO. 9118

371 FORMALITIES LETTER



OC000000020500403

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/06/2006
- Copy of the International Search Report filed on 02/06/2006
- Information Disclosure Statements filed on 02/06/2006
- U.S. Basic National Fees filed on 02/06/2006
- Specification filed on 02/06/2006
- Claims filed on 02/06/2006
- Abstracts filed on 02/06/2006

MERCHANT & GOULD
RECEIVED
SEP 28 2006
MPLS
D.C. OFFICE

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,408	PCT/BE03/00134	2505019

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS		ATTORNEY DOCKET NO. 70075.0003USWO
		U.S. APPLICATION SERIAL NO. (If known, see 37 C.F.R. §1.5) 10/567,408
INTERNATIONAL APPLICATION NO. PCT/BE03/00134	INTERNATIONAL FILING DATE August 6, 2003	PRIORITY DATE CLAIMED
TITLE OF APPLICATION ADVANTAGEOUS COMBINATION FOR INHALATION OF NACYSTELYN AND BRONCHODILATORS		
APPLICANT(S) FOR DO/EO/US Author M. Deboeck et al.		

MAIL STOP: PCT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

Responsive to the notification dated September 20, 2006, and in compliance with the provisions of 37 C.F.R. 1.497(a) and (b), Applicants submit herewith an executed Declaration in connection with the above-referenced patent application. The Declaration identifies the instant application by its title "ADVANTAGEOUS COMBINATION FOR INHALATION OF NACYSTELYN AND BRONCHODILATORS," which title was on the specification of the application as filed under 35 U.S.C. §371 on February 6, 2006. The required fee was paid at the time of filing the application.

In view of the foregoing, this application is deemed to be in proper condition for examination on the merits and such favorable action is earnestly solicited.

Respectfully submitted,
MERCHANT & GOULD, P.C.

October 5, 2006

Date

William E. Beaumont
William E. Beaumont
Registration No. 30,996

P.O. Box 2903
Minneapolis, Minnesota 55402-0903
Telephone No. (202) 326-0300
Facsimile No. (202) 326-0778

23552

Patent & Trademark Office